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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,289	09/10/1999	JACK G. SCARPA	N800/ST-108	3986

7590 05/01/2002

NORMAN FRIEDLAND
11300 US HIGHWAY ONE SUITE 400
NORTH PALM BEACH, FL 33408

EXAMINER

KIM, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 05/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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22

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Commissioner of Patents and Trademarks

Amendment filed 22 April 2002 has been received. Entry of the amendment is NOT approved by the examiner. The amendment does not resolve the rejection under 35 USC 112, first paragraph. Additionally the amendment is grammatically incorrect, "of said of said"; changes the scope, "air cap" to --fluid tip--; and changes the scope by redefining the gaps.

Lesley D Morris
Lesley D. Morris
Primary Examiner
AU3752

Art Unit: 3752

DETAILED ACTION

Election/Restriction

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Species A, figure 1; and Species B, figures 8 and 9.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

Art Unit: 3752

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. Norman Friedland on April 17, 2000 a provisional election was made with traverse to prosecute the invention of Species A, claims 1-7.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 8-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "147" has been used to designate both a control knob in figure 1 and a solvent line in figure 7. Correction is required.

5. The drawings are objected to because reference number "116" in figure 2 should read --106-- and reference number "70" in figure 4 should read --90--. Correction is required.

Art Unit: 3752

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "17" on page 12, line 5; "60" on page 14, line 16; "72" on page 14, line 19; "98" on page 16, line 8; "149" on page 19, line 9; "182" on page 21, line 4; "184" on page 21, line 8; "162a" on page 22, line 12; "166a" on page 22, line 13; "220" on page 22, line 14; "224" on page 22, line 15; "16a" on page 22, line 18; "70a" on page 23, line 3; "90a" on page 23, line 4; "116a" on page 23, line 4; and "14a" on page 23, line 5. Correction is required.

116 + 106
provisions

Specification

7. The disclosure is objected to because of the following informalities: on page 3, line 8, ",", (first occurrence) should read --,--; on page 13, line 4, "rectilinearly" should read --rectilinear--; on page 15, line 1, "76" should read --90--; on page 15, line 3, "3" should read --4--; on page 15, line 14, "88" should read --68--; on page 16, line 2, "88" should read --68--; on page 16, line 5, "the" (first occurrence) should read --that--; on page 16, line 16, "116" should read --106--; on page 17, line 4, "116" should read --106--; on page 17, line 7, "3" should read --4--; on page 17, line 8, "92" should read --90--; on page 18, line 2, "212 and 214" should read --215 and 218--; on page 20, line 18, "of" should be deleted; and on page 21, line 13, "3" should read --4--.

Appropriate correction is required.

Art Unit: 3752

Claim Objections

8. Claim 6 is objected to because of the following informalities: in line 5, “interconnection” should read --interconnecting--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase “spray gun including a handle having a central passage...” renders the claim indefinite. It is uncertain whether the spray gun has “a central passage...” or the handle has “a central passage...” This office action will consider a spray gun having “a central passage...”

Claim 6 recites the limitation “mixer disposed downstream of said main body”. There is no disclosure of a mixer downstream of the main body in the L-shaped body spray gun. This office action will consider a mixer 138 upstream of the main body.

Art Unit: 3752

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Black.

Black discloses a spray gun 62 including a handle 68, the spray gun having: a central passage (passage in gun 62 leading to additional passage formed by tube 12); a concentric passage (passage in gun 62 leading to additional concentric passage formed by tube 27); a nozzle internal of the spray gun (inherent in spray gun 62); a double concentric tube assembly 12, 27; a fluid tip 52; an air cap 15; a dry powdered nozzle 14. Although the spray gun is disclosed as spraying tar and glass fiber, the spray gun is capable of spraying resin and dry powder.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3752

14. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of Breitsprecher.

Black discloses a sleeve 11 having a single passage 60a and not diametrically opposed passages. Breitsprecher discloses, in figure 3, diametrically opposed passages 46, 47. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have added a second passage that is diametrically opposed as taught by Breitsprecher to the sleeve of Black to promote uniform addition of dry powder.

15. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of Schowiak.

Black discloses the claimed limitations with the exception of a receiving box. Schowiak discloses a receiving box 24 attached to a handle 14. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have incorporate the receiving box of Schowiak to the handle of Black to relocate the fiber cutting mechanism, which would have increased the ease of handling the spray gun.

16. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of Schowiak as applied to claim 5 above, and further in view of Warren.

Black discloses the claimed limitations with the exception of a mixer and manifold. Warren discloses, in figure 1, a mixer 46, a manifold 45, connection means 32, 33, and a hose 48. It would have been obvious to a person having ordinary skill in the art at the time of the invention to use the manifold and mixer of Warren to supply the spray gun of Black.

Art Unit: 3752

17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of Schowiak and Warren as applied to claim 6 above, and further in view of Breitsprecher.

Black discloses, in column 4, lines 3-8, a valve actuating trigger. Black discloses a valve connected to the central passage of the spray gun and not the additional central passage. It is a matter of design choice to locate the valve within the gun or within the additional central passage as shown by Breitsprecher. The valve 27 of Breitsprecher extends to opening 40 in the additional central passage. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have located the valve in the additional central passage of Black as taught by Breitsprecher to prevent flow within the additional central passage after the valve is closed.

Conclusion

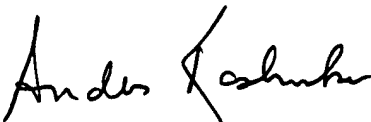
18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sandell discloses a concentric passage nozzle.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (703) 308-8336. The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andres Kashnikow, can be reached on (703) 308-1137. The fax phone number for this Group is (703) 305-3588.

Art Unit: 3752

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


ANDRES KASHNIKOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700
4/28/00

CK

April 26, 2000